IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Criminal No. 4:08-CR-77-FL-1 Civil No. 4:12-CV-225-FL

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Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty** (**40**) days of the filing of this order.

SO ORDERED, this the 2nd day of October, 2012.

LOUISE W. FLANAGAN United States District Judge

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